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| 10/090,469      | 03/04/2002  | Myun-reun Jang       | 13939-002001/SWP02606/US | 5105             |

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| EXAMINER |
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DUNN, DAVID R

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| ART UNIT | PAPER NUMBER |
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3616

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,469

Applicant(s)

JANG ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002 and 03 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I in Paper No. 8 is acknowledged.

However, it is noted that the written restriction response was not complete, as it did not include an election of the species requirement as noted in Paragraph 4 of Paper No. 7 (mailed 9/30/03). In a subsequent telephone interview on 11/20/03 with Mr. Frank Ochiutti, a provisional election was made to prosecute species A (as shown in Figure 6), claims 1-12.

Affirmation of this election must be made by applicant in replying to this Office action.

2. Claims 13 -19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention and Species, there being no allowable generic or linking claim.

***Information Disclosure Statement***

3. The information disclosure statement filed March 4, 2002 is acknowledged. See enclosed IDS form.

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Oath/Declaration***

5. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

It is also note that the signatures on the declaration are not dated.

***Specification***

6. The disclosure is objected to because of the following informalities: on page 12, line 4, it appears that "reinforcing member 180" should be --reinforcing member 160--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as in line 6, "combined each other" is unclear. It appears that this phrase should be --combined with each other--.

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Claim 2 is indefinite as in line 5, "and fill up in the first and second chambers" is unclear.

Claim 7 recites the limitation "the cushion seam line". There is insufficient antecedent basis for this limitation in the claim. (It is noted that this phrase was introduced in claim 5, however claim 7 is dependent from claim 4).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalandek et al. (6,371,518).

Kalandek et al. discloses a side airbag comprising: a first airbag module including first and second cushion pads (22, 24; see also column 2, lines 63-67) having extensions (22a) with a plurality of insert holes (25) on one side and combined to form a chamber (20), and an inner cushion pad (80), which is folded in half (as in Figure 1a) to form a first chamber (81) between the first and second cushion pads and has a plurality of first gas exhaust holes (83) formed upward thereon (the insert has holes formed on the upper part thereof) and an inflator mounting portion (82) which is piled with the extensions (see Figure 1); and an inflator module including a fixing member (34) with outwardly protruding screws (33). The first airbag module is seamed

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(28) to open the inflator mounting portion. As seen in Figure 1, the seams are formed in two lines.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek et al. in view of Heigl (6,273,456).

Kalandek et al. is discussed above and fails to show reinforcing lines shaped in an oval.

Heigl shows reinforcing lines having an oval shape (31, 33) at the end of a seam line (55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalandek et al. with the teachings of Heigl in order to prevent the seams from coming undone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a double seam as shown by Kalandek et al. in order to securely attach the reinforcing pads.

13. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek et al. in view of Masuda et al. (6,199,898).

Kalandek et al. is discussed above and fails to show a center seam line.

Masuda et al. teaches a center seam line (9) used to prevent the cushion from being excessively inflated; the seam line has a straight portion with a semicircular shape at the end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalandek et al. with the teachings of Masuda et al. in order to better control the inflation of the airbag.

14. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek et al. in view of Yokoyama (6,478,329).

Kalandek et al. is discussed above and fails to show reinforcing pads.

Yokoyama teaches a side airbag with a plurality of reinforcing pads (42; see Figure 4) seamed to the inflator mounting portion and having screw holes (62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kalandek with the teachings of Yokoyama in order to provide a stronger attachment of the airbag to the inflator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a double seam as shown by Kalandek et al. in order to securely attach the reinforcing pads.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek et al. alone.

Kalandek et al. is discussed above and fails to show the specific dimensions as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the holes in the inner cushion pad of Kalandek et al. in order to allow the airbag module to inflate in any time period required by design since it has generally been

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recognized that the change in size involves only routine skill in the art. *In re* Rose, 105 USPQ 137.

***Allowable Subject Matter***

16. Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

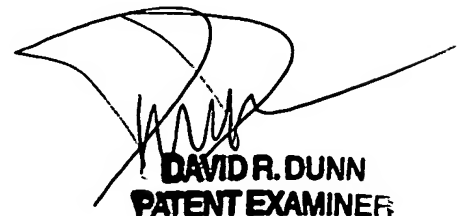
***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wipasuramonton et al. ('944 and '113) shows side airbags of interest. Asano et al. shows a side airbag with a center seam. White, Jr. et al. and Heinz et al. also show side air bags of interest.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



**DAVID R. DUNN**  
**PATENT EXAMINER**